IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 30299 of 2007(F)

PETITIONER:

S.SIVADAS, S/O.THEYUNNI,
UTHRAMKAD, THENKURUSSI, ALATHUR, PALAKKAD.

BY ADV. SRI.T.K.CHINNAN

RESPONDENTS:
----

1. INSPECTOR FOR ARBITRATION AND EXECUTION, (SALE OFFICER), OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, ALATHUR, PALAKKAD.

2. THE VILAYANCHATHANNUR SERVICE CO-OPERATIVE BANK LTD., NO.F.1599, KAYARAMKULAM, THEEKURUSSI, ALATHUR TALUK, PALAKKAD, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY
SRI.A.V.RAVI
GOVERNMENT PLEADER SRI. P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30299/2007 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SALE PROCLAMATION NOTICE C.E.P NO. 764/2007 BY THE R1 O 10/09/2007.

RESPONDENT'S EXHIBITS NIL.

True copy

tga

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.30299 OF 2007

Dated this the 14th day of November, 2007

JUDGMENT

The petitioner challenges Ext.P1 proceedings of sale pursuant to an arbitration award under the Kerala Co-operative Societies Act, 1969. Having perused the materials on record and having heard learned counsel for parties, it is noticed that the arbitration award has become final. Hence, I do not find any jurisdictional error or legal infirmity in the impugned proceedings. It is submitted that an amount of Rs.25,000/- has been deposited following interim orders.

In the aforesaid circumstances, this writ petition is disposed of directing that if the petitioner wipes off the entire outstandings under Ext.P1 after adjusting the amounts already paid, by paying in six equal monthly instalments, payable on or before the 10th of every month, commencing from December, 2007, the impugned proceedings shall not be enforced. It is clarified that if there is default in remitting the instalments as

aforesaid, the benefit of this judgment shall stand recalled automatically and distress action shall forthwith follow.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.